IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 29603 of 2006(Y)

PETITIONER:

---

1. EMMANUEL THOMAS, LECTURER,
DEPARTMENT OF ECONOMICS, NIRMALA COLLEGE
MUVATTUPUZHA, RESIDING AT KANATT,
ANCHIRI P.O., THODUPUZHA.

2. SANISH P.B., LECTURER, DEPARTMENT OF
SANSKRIT, NIRMALA COLLEGE, MUVATTUPUZHA
RESIDING AT PUTHIYAVEETIL, KADAPPATTOOR P.O.,
PALA.

3. MANAGER, NIRMALA COLLEGE,
MUVATTUPUZHA.

BY ADV. SRI.BABY ISSAC ILLICKAL

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. PRINCIPAL SECRETARY, HIGHER EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

3. DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.

4. DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, ERNAKULAM.

5. MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR,
PRIYADARSINI HILLS P.O., KOTTAYAM.

BY ADV. SRI.V.A.MUHAMMED, SC, M.G.UNIVERSITY
GOVERNMENT PLEADER SMT. M.R.SREELATHA.
SRI. T.A. SHAJI, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16/07/2007, ALONG WITH W.P.C.NO. 8910/2006 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE JUDGMENT DTD. 01.06.2005 IN W.P.(C).NO. 16360/2005.

EXT.P2(a): COPY OF THE APPOINTMENT ORDER OF THE 1ST PETITIONER DTD. 29.08.2005.

EXT.P2(b): COPY OF THE APPOINTMENT ORDER OF THE 2ND PETITIONER DTD. 29.08.2005.

EXT.P3: COPY OF THE PRO FORMA OF THE DIRECT PAYMENT AGREEMENT.

EXT.P4: COPY OF THE LETTER DTD. 16.3.2006 BY THE 5TH RESPONDENT.

RESPONDENT'S EXHIBITS: NIL.

.....

// TRUE COPY //

P.A. TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NOS. 8910, 14001,
18426 & 29603 OF 2006

Dated this the 16th day of July, 2007

J U D G M E N T

Having heard learned counsel for the petitioners, learned Government Pleader and the learned Standing Counsel, I am of the view that these writ petitions can be disposed of without going into the merit of the contentions raised by the petitioners.

2. It is the admitted position that appointments made by the managements concerned to the post of Lecturer in various departments in the respective colleges have not been approved by the University so far on the ground that those posts were not sanctioned by the Government. Of course there is a controversy with regard to the question as to whether the vacancy did arise before or after the the amendment of Section 59 (1) of the M.G. University Act or Section 57 of the Kerala University Act. These are all matters which have to be necessarily verified and ascertained by the University concerned. This is all the more so, in the light of decision

of a Division Bench of this Court in Writ Appeal No. 940/07 and conn. cases.

3. The University concerned shall take appropriate decision in the matter strictly on its merit and in the light of the judgment referred to above. It is made clear that if the University decides to approve the appointments, and if the Deputy Director of Education has got any reservation about the same, it will be open to the Directorate to take recourse to the remedy available to it under the Act and also in the light of the judgment of the Division Bench referred to above.

The writ petitions are disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007